

Order

Michigan Supreme Court
Lansing, Michigan

September 10, 2008

Clifford W. Taylor,
Chief Justice

136251

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 136251
COA: 283086
Macomb CC: 2006-004728-FC

ACIE MAHON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 3, 2008 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted of the challenge to the scoring of Offense Variable 10, MCL 777.40, in light of *People v Cannon* (Docket No. 131994), 481 Mich 152 (2008). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.

WEAVER and CORRIGAN, JJ., would deny leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 10, 2008

Corbin R. Davis

Clerk